

In conclusion the member stated that a waiting shed was absolutely necessary for the use of the clients and Vakils attending the courts at Shencotta.

DEWAN'S REPLY : Mr. Sivasubramonia Pillai, you have presented us with a long list of points to be settled straight away.

In regard to the first, *viz.*, the raising of the jurisdiction of the Munsiff's court at Shencotta to Rs. 5,000 that question came up at the last session of the Assembly too. The High Court then expressed the opinion that they did not consider it necessary and, upon notice of your question now, the High Court was once again consulted and they still say the same thing. That being the case, I do not think Government can accept your suggestion.

In regard to the second point, *viz.*, investing the Munsiffs with powers to try suits in which the Government forms a party, it is a question really of ways and means. It will mean appointing Government pleaders in all the Munsiffs' courts (I think there are 23 of them). The expenditure will be considerable. I have noticed that you have suggested not having Sirkar Vakils but selecting ordinary practitioners and paying them a fee for each case that they may conduct. I shall consult the Judges of the High Court on that suggestion of yours. But I doubt whether the volume of Sirkar cases that will fall to the Munsiffs' courts will be so much as to justify the very heavy expenditure upon it. However the matter will be examined.

The other point, *viz.*, investing the Tahsildar, Shencotta, with second class magisterial powers and the Munsiff-Magistrate there being given appellate jurisdiction over him, this too the High Court deprecates as unnecessary.

The publication of lists of unexpended batta as an annual statement is being considered by the High Court.

The need for increasing the pay of clerical and process establishments of courts is also engaging the attention of the High Court and they hope to send up proposals to Government before long.

In regard to the shed attached to the Shencotta Munsiff's court, for the use of clients, that too cannot be considered piecemeal. The High Court have called for a list of such sheds required at other courts too, and will make consolidated recommendations to Government.

18. Judicial Department.

MR. KORA THOMAS (*Member, Changanachery taluk*) spoke on three points in regard to the Judicial department. First, he dealt with the extraordinary delay in the disposal of suits both civil and criminal. He made particular reference to the long pendency of suits under sections 90 and 128 of the Criminal Procedure Code which by their very nature had to be disposed of summarily and with the least possible delay. In order to put a stop to this state of affairs, the member suggested the appointment of a Laws Delays Committee.

Next, the member pointed out several defects in the system of combining the powers of a Magistrate and a Munsiff in the same person. The system did not in the first place make for the speedy despatch of work. Secondly, in the capacity of the Magistrate, the officer concerned had to come very often into personal contact with men and the prepossessions which he naturally entertained about individuals were liable to prejudice the fair trial of many civil suits by him. Thirdly, instances were conceivable in which both a civil and a criminal action would lie in respect of the same subject matter. For example in the case of a dispute about immovable property a criminal action would lie under Section 128 of the Criminal Procedure Code as also a civil action for possession of property. In such a case it was hard to believe that the officer who had disposed of the criminal suit would be able to approach the civil suit with an entirely unbiassed mind. Fourthly, as a Magistrate the officer had often to be in camp, which would affect the execution of his civil work. Fifthly, in his two capacities, the officer was under a two-fold control. For these reasons it was very desirable that separate Magistrates and Munsiffs should be appointed in the place of Munsiff-Magistrates, the only exception that might perhaps be made being in the case of the Devicolam Division.

The member then gave a detailed picture of the great inconvenience to which Vakils and parties were being put for want of proper accommodation in the civil and criminal courts at Kottayam and in the Munsiff-Magistrate's court at Changanacherry, and he referred in particular to the want of a prisoners' dock in the Changanacherry Magistrate's court.

DEWAN'S REPLY : Mr. Thomas, a better and quicker disposal of work in courts is engaging the attention of the High Court and they are taking stringent measures to see that there is quick and effective improvement. You find it mentioned in paragraph 13 of my address delivered yesterday. In regard to combination of civil and criminal powers in Munsiff-Magistrates' courts, I agree with you that it is not an ideal arrangement, but necessity and expediency have on rare occasions made it necessary to have recourse to this arrangement. But I may assure you, it is not going to be one of the permanent systems of judicial administration in Travancore. It is only a passing feature.

In regard to the first question namely the question of a committee to enquire into and suggest remedies for Laws Delays, Government did propose to appoint a committee, but the representatives of the people voicing their views in the Legislative Council refused sanction to the appointment of such a committee and naturally therefore it had to be dropped.

In regard to the third point namely proper accommodation for civil and criminal courts in the Kottayam Division, you have drawn a very vivid picture of the present state of affairs. I hope it will not be long before these pass out of existence. The Chief Engineer is preparing plans and estimates for buildings to house District Munsiffs' courts, Stationary Magistrates' courts, Panchayat courts, offices of Sirkar Vakils and also Dewan Peishkar's office, Division Assistant's office and Taluk cutcherry. We must first see what the estimates come to, how the plans appear and then after careful consideration Government will be in a position to consider the point.

MEMBER : The provision of a prisoner's dock in the Magistrate's court ?

DEWAN : This is the first occasion I have heard the needs of Changanacherry in this matter and the question will be taken up and considered.

19. Need of a Magistrate's court at Parur.

Mr. KURIAN JOHN (*Member, Parur taluk*) spoke on the need of a Second Class Magistrate's court at Parur. By the location of the Magistrates' courts at Alwaye, the people of Parur were put to great inconvenience. Similarly, there was great need for a First Class Magistrates' court at Alwaye, as the First Class Magistrate's court at Perumbavoor was far away from Parur.

DEWAN'S REPLY : Mr. Kurian John, orders are under issue authorising the Parur Tahsildar to exercise second class magisterial powers. So, that will meet the case for the time being.

23. Difficulties experienced by the litigant public in civil courts.

Mr. RAMASUBBOO CHETTIYAR BHAGAVATI PERUMAL CHETTIYAR (*Member, Trading Classes, Kottar*) suggested the following reforms in the working of civil courts :

- (1) In the posting of cases care should be taken to post only as many cases for a day as could be finished on that day.
- (2) The depositions of all the witnesses summoned on a day should be taken the very same day.
- (3) Decrees should be prepared within thirty days of the delivery of judgments.
- (4) Disputes about immovable property arising in the execution of decrees should be settled at the latest within six months.
- (5) Summons and notices should be served on the parties without default.
- (6) In preparing copies of records, the rule regarding the number of words to be written on a page should be strictly enforced.
- (7) Surplus sheets of copying paper remaining after the preparation of the copy should be returned to the party.